

REMARKS

Claims 1-39 were pending and presented for examination and were pending in this application. In an Office Action dated February 25, 2008, claims 1-39 were rejected. Claims 1-39 are canceled without prejudice or disclaimer herein. New claims 40-78 have been added. Consideration and allowance of claims 40-78 is respectfully requested. Support for new claims 40-78 is found throughout the specification, for example, at pages 40-43, 54-55, 61-62, 74, 160, 172 and 213.

Claims 1-19 and 21-36 were rejected as being unpatentable over U.S. Patent 6,137,782 to Sharon et al. ("Sharon") and U.S. Patent No. 6,754,181 to Elliott et al. ("Elliott"). Claims 1-19 and 21-36 are canceled herein, thereby obviating the basis for this rejection.

Claims 20 and 37 were rejected as being unpatentable over Sharon in view of U.S. Patent No. 6,681,232 to Sistanizadeh et al. ("Sistanizadeh"). Claims 20 and 37 are canceled herein, thereby obviating the basis for this rejection.

New claims 40, 56 and 68 variously recite "the allocation module dynamically modifies a size of the priority queue responsive to classification of collected data as a priority flow by the flow processor," "responsive to associating the captured data with a priority flow, storing the captured data in the priority buffer and dynamically modifying a storage capacity of the priority buffer" and "responsive to associating the captured data with a non-priority flow, storing the captured data in the non-priority queue and dynamically modifying a storage capacity of the non-priority buffer." Hence, the claims recite determining whether captured data is associated with a priority flow or a non-priority flow. The captured data is then stored in a priority queue responsive to being associated with a priority flow or stored in

a non-priority queue responsive to being associated with a non-priority flow. The size of the priority queue or buffer is dynamically modified responsive to association of captured data with a priority flow so that the priority queue or buffer is able to completely store data associated with a priority flow. This beneficially ensures that priority data is able to be stored.

In contrast, Sharon discloses an agent 14 which at most examines received frames and examines the source and destination address to determine whether a source or destination address is unknown (Sharon, col. 7, lines 7-15). The agent receives a command from a central management engine (CME) 12 to either begin collecting and transmitting data or stop data transmission and collection (Sharon, col. 7, lines 41-55). The CME 12 uses the collected data to determine placement of network agents within a network traffic topology map (Sharon, col. 3, lines 26-41). Hence, the CME 12 receives network data and analyzes the traffic flow between different network elements for correction and modification of traffic flow through a network topology (Sharon, col. 3, lines 45-46; col. 5, lines 26-29). Neither the agent 14 nor the CME 12 in Sharon dynamically modifies the storage capacity of a priority queue or buffer responsive to associating the classified data with a priority flow.

Elliott merely discloses a hybrid network which uses telephony routing information and internet protocol address information to transfer information across the internet (Elliott, col. 1, lines 27-33). However, Elliott also fails to disclose dynamically modifying the storage capacity of a priority queue or buffer responsive to associating the classified data with a priority flow, as claimed. Thus, Elliott fails to remedy the deficient disclosure of Sharon as the references, both alone and in combination, do not disclose or suggest the claimed invention.

Sistanizadeh discloses a service level manager allowing users to obtain service through a network and providing report options about user network service (Sistanizadeh, col. 20, line 65 to col. 21, line 14). The service level manager in Sistanizadeh provides a user interface and network topology for improving network operation support, but Sistanizadeh fails to disclose dynamically modifying the storage capacity of a priority queue or buffer responsive to associating the classified data with a priority flow, as claimed. Thus, Sistanizadeh fails to remedy the deficient disclosure of Sharon as the references, both alone and in combination, do not disclose or suggest the claimed invention.

New claims 41-55, 57-67 and 69-76 variously depend from claims 40, 56 and 68 as well as recite additional patentable features. Hence, as discussed above, claims 40, 56 and 68 are patentably distinct from the references, both alone and in combination. Hence, dependent claims 41-55, 57-67 and 69-76 are also patentably distinct from the references, both alone and in combination.

New claim 77 recites “responsive to associating the captured data with a priority flow, comparing the captured data to a priority trigger” and “responsive to the captured data matching the priority trigger, generating an alarm notifying a user of the priority trigger,” beneficially allowing a user to be notified when an event described by a priority trigger occurs. As discussed above, Sharon merely discloses receiving network data and analyzes the traffic flow between different network elements for correction and modification of traffic flow through a network topology (Sharon, col. 3, lines 45-46; col. 5, lines 26-29). Elliott merely discloses a hybrid network which uses telephony routing information and internet protocol address information to transfer information across the internet (Elliott, col. 1, lines 27-33). And, Sistanizadeh merely discloses a service level manager allowing users to obtain

service through a network and providing report options about user network service (Sistanizadeh, col. 20, line 65 to col. 21, line 14). Hence, the cited references, both alone and in combination, do not disclose “responsive to associating the captured data with a priority flow, comparing the captured data to a priority trigger” and “responsive to the captured data matching the priority trigger, generating an alarm notifying a user of the priority trigger,” as recited in claim 77. Thus, new claim 77 is patentably distinct from the cited references, both alone and in combination.

As claim 78 depends from claim 77 as well as recites additional patentable features. Thus, claim 78 is also patentably distinct from the cited references, both alone and in combination.

Conclusion

In sum, it is respectfully submitted that claims 40-78, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied) and are in condition for allowance. Favorable action is solicited.

Respectfully Submitted,
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